IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.9045 OF 2006

DATE OF DECISION: October 23, 2006

Mohan Lal Pippal

….Petitioner

VERSUS

Union of India and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Kanwal Jit Singh, Advocate for the petitioner.
Shri S.K.Sharma, Advocate for respondent No.1.
Shri M.S.Guglani, Advocate for respondent No.2.
Shri Ashok Jindal, Additional Advocate General, Haryana for respondents No.3 and 4.
Shri Balram K. Gupta, Senior Advocate with Shri Shireesh Gupta, Advocate for respondent No.5.
Shri Ashok Aggarwal, Senior Advocate with Shri Kamal Sehgal, Advocate for respondents No.6 and 7.
Shri Shailendra Sharma, Advocate for respondents No.8 to 57.

Viney Mittal,J.(Oral).

Written statement filed on behalf of respondent No.5 in Court today is taken on record. A copy thereof has been supplied to the learned counsel for the petitioner.

We have heard the learned counsel for the parties and have also gone through the record of the case.

The petitioner has approached this Court by way of the present public interest litigation for setting aside the admission

granted to the private respondents No.8 to 57 on the allegations that the aforesaid admissions have been granted fraudulently and to such students who are ineligible in the academic session 2005-06 in the management quota as well as 15% seats for foreign students/NRI / NRI sponsored students.

Shri Kanwaljit Singh, the learned counsel appearing for the petitioner has referred to the reply filed on behalf of respondent No.2 Dental Council of India. Our pointed attention has been drawn to the order dated June 22, 2006 passed by the State Admission Committee (Medical Education), Govt. of Haryana, a copy whereof has been appended as Annexure R.2/1 with the written statement of respondent No.2. On the basis of some of the observations made in the aforesaid order by the State Admission Committee, the learned counsel states that the averments made by the petitioner stand substantiated by the aforesaid observations and it is clearly depicted in the aforesaid observations that a bungling had taken place while granting admission by respondent No.6.

However, from the stand taken by Dental Council of India, respondent No.2, in its short reply, we find that the aforesaid report of the State Admission Committee is already under consideration before it and on receipt of the aforesaid report, the Dental Council of India vide its letter dated July 17, 2006 has already requested the Vice Chancellors of the MD University, Rohtak and Kurukshetra University, Kurukshetra with a copy to the Secretary, Health & Medical Education, Govt. of Haryana,

Chandigarh, Director General (Medical Education), Govt. of Haryana, Chandigarh and copies to all the private Dental Colleges i.e. Principal, DAV Centenary Dental College, Model Town, Yamuna Nagar, Principal, BRS Dental College & Hospital, Kotbilla, District Panchkula, Principal, Mahrishi Markandeshwar College of Dental Sciences & Research, Mullana, Principal, SGT, Dental College Hospital & Research Institute, near Sultanpur Jheel, Bird Sanctuary, Gurgaon, Principal, Sudha Rustogi College of Dental Science & Research, Kheri More, village Bhopani, Faridabad and Principal, Swami Devi Dyal Hospital & Dental College, Goalpura, Tehsil Barwala, District Panchkula requiring them to furnish the list of students admitted to BDS course under Management Quota by these dental colleges in the State of Haryana during the academic session 2005-06 in the prescribed format mentioned in the said letter. A copy of the aforesaid communication was also sent to Shri A.K.Singh, Under Secretary, Govt. of India, Ministry of Health & Family Welfare, Department of Health and Family Welfare, Department of Health – PMS Section, Nirman Bhawan, Maulana Azad Road, New Delhi for information. The Dental Council of India has further maintained that the DCI would be in a position to take appropriate and suitable action after the requisite information in the prescribed format is received from all concerned.

Keeping in view the fact that Dental Council of India has already initiated proceedings for taking any further action, if so

required, we do not wish to continue with the proceedings in the present petition.

Before parting with this order, we must also take note of the statement made on behalf of college respondent No.6. Shri Ashok Aggarwal, the learned senior counsel appearing for respondent No.6 has informed the Court that the observations made by the State Admission Committee in Annexure R.2/1 are being objected to by the College before the Dental Council of India and in this regard a detailed reply has already been filed.

Consequently, we do not find that any further action is required in the matter in the present public interest litigation.

However, we earnestly hope that Dental Council of India shall reach to logical ends by initiating further and appropriate proceedings, in accordance with law.

Disposed of with the aforesaid observations.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

October 23, 2006
KD

(H.S. Bhalla)
Judge